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January 8, 2024

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: Li v. China Merchants Bank Co., LTD, et al.; Case No. 22-cv-9309 (KPF)

Dear Judge Fallia,

We represent Plaintiff and write in response to Defendants' correspondence earlier today seeking a stay of discovery. We write only to point out that **Defendants are now doing literally the exact thing they agreed not to do**—seek a stay of discovery. See Dkt. No. 40 at §3. Plaintiff and her counsel agreed to previously stay discovery for a period of time and engage in a settlement conference based on the express term that there would be no stay of discovery if the settlement conference was unsuccessful. Plaintiff must be able to rely on *documented* agreements between the parties and representations made to the Court. Basic professionalism and ethics dictate that agreements between parties should not become moving targets that can be changed whenever a party decides.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David E. Gottlieb", is written over a light blue circular stamp.

David E. Gottlieb

The Court is in receipt of the parties' respective letter submissions regarding a stay of discovery in this case. (Dkt. #49, 50, 51). After considering the parties' arguments, the Court hereby LIFTS the stay on discovery in this matter except as to Plaintiff's retaliation claim, in light of the possibility that discovery on this issue may implicate the witness-advocate rule.

Regarding the parties' prior discovery dispute, (see Dkt. #47), on or before **February 29, 2024**, Plaintiff shall either (i) notify Defendants that she will only be seeking garden variety emotional distress or (ii) transmit to Defendants a signed HIPPA authorization.

In light of the above, the parties are directed to file a revised case management plan that reflects the new discovery deadlines on or before **January 19, 2024**.

The Clerk of the Court is directed to terminate the pending motion at docket number 49.

Dated: January 12, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Faila".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE